

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Timothy L. Wright,)	C/A No.: 5:14-cv-02219-TMC-KDW
)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Sergeant Charles Turbine,)	
)	
Defendants.)	
)	

This matter comes before the court on Plaintiff's discovery motions. ECF Nos. 46, 48, 51. The court will rule on each motion in turn.

1. Motion to Compel, ECF No. 46

On December 4, 2014, Plaintiff filed a Motion for an order compelling Defendant answer interrogatories and respond to requests for production. ECF No. 46. Since filing this Motion, Defendant has served the requested discovery on Plaintiff. *See* ECF Nos. 54, 54-1, 54-2, 54-3. Accordingly, Plaintiff's Motion, ECF No. 46, is now **moot and denied**.

2. Motion to Compel, ECF No. 48

On December 12, 2014, Plaintiff filed a separate Motion for an order compelling discovery. ECF No. 48. There, Plaintiff requests the court instruct Defendant to respond "fully" to certain interrogatories served on November 7, 2014. In Response, Defendant indicates he answered Plaintiff's third set of interrogatories by lodging objections. ECF No. 56. In his objections, Defendant maintains that Plaintiff's third set of interrogatories exceeds the number allowed by Rule 33 of the Federal Rules of Civil Procedure. Pursuant to Rule 33(a)(1) of the Federal Rules of Civil Procedure: "Unless otherwise stipulated or ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete

subparts.” Plaintiff’s Motion to Compel, ECF No. 48, is **denied as moot** because Defendant has responded to Plaintiff’s third set of interrogatories and lodged reasonable objections.

3. Motion for Leave to Serve Additional Interrogatories, ECF 51

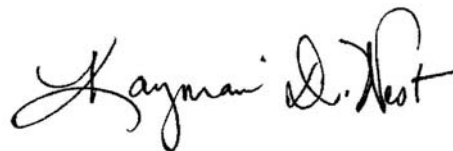
On December 19, 2014, Plaintiff filed a Motion for leave to serve additional interrogatories on Defendant. ECF No. 51. Pursuant to Rule 33(a)(1), “[l]eave to serve additional interrogatories may be granted to the extent consistent with Rule 26(b)(2).” Therefore, the principles of Rule 26(b)(2), guide the court’s decision on whether to grant Plaintiff’s request to expand the interrogatory limit. This court will not exercise its discretion under Rule 33 and relax the limitation on the number of interrogatories Plaintiff may serve based on the criteria set forth in Rule 26(b)(2). Accordingly, Plaintiff Motion, ECF No. 51, is **denied**.

Conclusion

Discovery is now **closed**. *See* ECF No. 26. The parties are instructed not to serve additional discovery requests. Additionally, other than filing motions concerning outstanding discovery, the parties are instructed not to file additional discovery motions in this matter.

IT IS SO ORDERED.

January 7, 2015
Florence, South Carolina



Kaymani D. West
United States Magistrate Judge